

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank
S.A., EFG BANK (MONACO) S.A.M., f/k/a
EFG Eurofinancière d'Investissements
S.A.M., and EFG BANK & TRUST
(BAHAMAS) LIMITED, as successor-in-
interest to Banco Atlántico (Bahamas) Bank &
Trust Limited,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01690 (CGM)

FOURTH STIPULATION AND ORDER AMENDING BRIEFING SCHEDULE

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the Chapter 7 estate of Bernard L. Madoff, and the defendants in this action, EFG Bank S.A., EFG Bank (Monaco) S.A.M., and EFG Bank & Trust (Bahamas) Limited (“Defendants,” and together with the Trustee, the “Parties”), by and through

their respective undersigned counsel, state as follows:

WHEREAS, on May 25, 2022, the Trustee sent Defendants a draft of a proposed amended complaint and asked Defendants if they would consent to the Trustee filing the proposed amended complaint in this matter without moving for leave to amend;

WHEREAS, on June 15, 2022, Defendants declined to consent to the filing of the proposed amended complaint;

WHEREAS, on June 17, 2022, the Parties held a meet-and-confer conference to discuss the proposed amended complaint and a briefing schedule for the Trustee's forthcoming motion for leave to amend the complaint ("Motion for Leave to Amend");

WHEREAS, the Parties agreed to a briefing schedule and the Court set that schedule by Stipulation and Order on July 12, 2022;

WHEREAS, on July 21 and 25, 2022, the Parties held additional meet-and-confer conferences to discuss an extension to the briefing schedule for the Motion for Leave to Amend;

WHEREAS, the Parties agreed to an amended briefing schedule and the Court set that schedule by Stipulation and Order Amending Briefing Schedule on July 27, 2022;

WHEREAS, the Parties participated in a follow-up meet-and-confer conference on August 16, 2022 to discuss the Trustee's proposal to add defendants to the above-captioned adversary proceeding;

WHEREAS, the Parties agreed to an amended briefing schedule and the Court set that schedule by Second Stipulation and Order Amended Briefing Schedule on August 18, 2022;

WHEREAS, the Parties met and conferred on August 22, 2022 to further discuss whether the Parties can reach an agreement which would obviate or otherwise limit the need for the Trustee's Motion for Leave to Amend.

WHEREAS, the Parties agreed to an amended briefing schedule and the Court set that schedule by Third Stipulation and Order Amended Briefing Schedule on August 25, 2022; and

WHEREAS, the Parties held additional meet-and-confer conferences on August 25, August 31, and September 2, 2022 as part of continuing efforts to reach an agreement that would obviate or otherwise limit the need for the Trustee's Motion for Leave to Amend.

IT IS HEREBY STIPULATED AND AGREED, that

1. The Trustee will file his Motion for Leave to Amend on or before September 30, 2022.
2. Defendants will file any opposition to the Trustee's Motion for Leave to Amend on or before October 28, 2022.
3. The Trustee will file any reply brief in support of his Motion for Leave to Amend on or before November 18, 2022.
4. The Parties reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights, arguments, objections, and defenses, including without limitation, challenges to personal jurisdiction, and expressly including any potential motions by Defendants under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6).
5. The above deadlines granted by this Stipulation and Order are without prejudice to any party seeking future extensions of time.

Dated: September 7, 2022
New York, New York

/s/ Brian W. Song
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Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

SO ORDERED.

**Dated: September 8, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**